

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

VICTOR SANCHEZ SEPULVEDA,)	No. CV-F-07-321 OWW
)	(No. CR-F-02-5408 OWW)
)	
Petitioner,)	ORDER DENYING PETITIONER'S
)	MOTION FOR CLARITY AS MOOT
vs.)	(Doc.3) AND DECLINING TO
)	ISSUE CERTIFICATE OF
)	APPEALABILITY
UNITED STATES OF AMERICA,)	
)	
)	
Respondent.)	
)	
)	

Petitioner has filed a "Motion for Clarity" in which he contends that he was not served with the Order filed on March 26, 2007 denying his Section 2255 motion or the Judgment. Petitioner asserts that he intends to appeal the denial of the Section 2255 motion.

As of August 13, 2007, the Clerk of the Court has served Petitioner with the March 26, 2007 Order and the Judgment. Therefore, Petitioner's motion for clarity is moot to the extent that Petitioner apparently contends that his ability to file an appeal is impacted by the failure of proper service.

Because of Petitioner's stated intention to file a notice of appeal from the denial of his Section 2255 motion, the Court hereby rules that a certificate of appealability in connection with such appeal shall not issue. Petitioner's Section 2255 motion was denied as frivolous. Petitioner's motion raised no grounds of constitutional substance with respect to which reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong.

Dated: August 14, 2007